



BRB No. 15-0086 BLA

|                               |   |                         |
|-------------------------------|---|-------------------------|
| ERNIE L. BETHEL               | ) |                         |
|                               | ) |                         |
| Claimant-Respondent           | ) |                         |
|                               | ) |                         |
| v.                            | ) |                         |
|                               | ) |                         |
| PEABODY COAL COMPANY          | ) |                         |
| c/o HERITAGE COAL COMPANY     | ) |                         |
|                               | ) | DATE ISSUED: 04/19/2016 |
| and                           | ) |                         |
|                               | ) |                         |
| PEABODY INVESTMENTS COMPANY   | ) |                         |
| c/o OLD REPUBLIC INSURANCE    | ) |                         |
| COMPANY                       | ) |                         |
|                               | ) |                         |
| Employer/Carrier-             | ) |                         |
| Petitioners                   | ) |                         |
|                               | ) |                         |
| DIRECTOR, OFFICE OF WORKERS'  | ) |                         |
| COMPENSATION PROGRAMS, UNITED | ) |                         |
| STATES DEPARTMENT OF LABOR    | ) |                         |
|                               | ) |                         |
| Party-in-Interest             | ) | ORDER                   |

Counsel for employer/carrier (employer), Greenberg Traurig LLP, has filed a Notice of Bankruptcy and Withdrawal of Counsel. Counsel states that employer's parent company, Patriot Coal Corporation (Patriot Coal), has been reorganized in bankruptcy and is being liquidated. Notice of Bankruptcy and Withdrawal at 1. Counsel further states that employer is "no longer the responsible party" for the payment of benefits under the Black Lung Benefits Act, 30 U.S.C. §§901-944 (2012). *Id.*

The Director, Office of Workers' Compensation Programs (the Director), has filed a Motion to Remand for Payment of Benefits by the Black Lung Disability Trust Fund (the Trust Fund). The Director notes that employer was self-insured through Patriot Coal, which is now in bankruptcy. Motion to Remand at 1. The Director further states

that the Trust Fund accepts liability for this claim and does not contest claimant's entitlement to benefits. Motion to Remand at 2. The Director requests that this case be dismissed and remanded to the district director for the payment of benefits by the Trust Fund. *Id.*

In view of the above, the Board grants the Director's motion, dismisses this appeal, and remands this case to the district director for payment of benefits by the Trust Fund. *See* 26 U.S.C. §9501(d)(1)(B); 20 C.F.R. §725.1(c), (e).

JUDITH S. BOGGS  
Administrative Appeals Judge

RYAN GILLIGAN  
Administrative Appeals Judge

JONATHAN ROLFE  
Administrative Appeals Judge